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BEFORE THE

Federal Communications Commission

WASHINGTON, D.C. 20554

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MAY 20 2003

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of	)	
	)	
Amendment of Section 73.622(b)	)	RM ____
Table of Allotments, DTV Broadcast Stations	)	
(Laredo, Texas)	)	

To: Chief
Policy and Rules Division
Media Bureau

Petition for Rule Making

Eagle Creek Broadcasting of Laredo, LLC ("ECBL"), licensee of Television Station KVTV, Laredo, Texas, by its attorneys and pursuant to Section 1.401 of the Commission's Rules, hereby requests that the Commission institute a rule making proceeding to amend Section 73.622(b) of the Commission's Rules, the DTV Table of Allotments, to substitute DTV Channel 31 as the DTV allocation for Station KVTV in lieu of DTV Channel 14, as originally allotted.

As shown in the accompanying engineering statement prepared by Jerome J. Manarchuck of du Treil, Lundin & Rackley, Inc. (the "Engineering Statement"), DTV Channel 31 may be allotted for DTV use by Station KVTV operating from the station's licensed NTSC transmitter site. Engineering Statement at n.1. The proposed operation of the station on DTV Channel 31 from that location will provide principal community coverage of Laredo, Texas, the community of license of KVTV, in accordance with the requirements of Section 73.625(a). Engineering Statement at 1, 3 and Figure 4.

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The Engineering Statement also establishes that ECBL's proposed operation of the station on DTV Channel 31 complies with the Commission's 2%/10% interference criteria set forth in Rule 73.623(c)(2). Engineering Statement at 1, 3. Although the proposal will result in contour overlap with Class A Station KNEZ-LP on Channel 39 at Laredo, Texas, based on OET Bulletin 69 interference studies, it has been determined that the proposed facility will not cause prohibited interference to KNEZ-LP. Engineering Statement at 3-4 & Figure 3. Accordingly, ECBL respectfully requests a waiver of Rule 73.623(c)(2).

ECBL submits that the proposed amendment of the DTV Table of Allotments to substitute DTV Channel 31 for DTV Channel 14 at Laredo, Texas, will advance the public interest by eliminating the potential for interference caused by operation of KVTV-DT on DTV Channel 14 to land mobile radio service ("LMRS") reception at base stations and mobile receivers operating on frequencies adjacent to DTV Channel 14. Engineering Statement at 1. ECBL has determined that there are presently approximately 150 LMRS licensees operating in the Laredo area, including Mercy Regional Medical Center/Mercy Health Center and the United Independent School District. The elimination of that potential interference by substituting DTV Channel 31 as the DTV allocation for Station KVTV in lieu of DTV Channel 14 provides ample justification for this rule making proposal. *See, e.g., Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations (Alexandria, Minnesota)*, 17 FCC Rcd 8286 (Video Division, 2002).

The community of Laredo, Texas is located within 2 kilometers of the U.S.-Mexico border. As a consequence, grant of this proposal will likely require the

concurrence of the Mexican government. However, all Mexican NTSC and DTV allotments are located at distances greater than the minimum distance requirements set forth in the Memorandum of Understanding Between the U.S. and Mexico. Engineering Statement at 4 & Figure 1.

If the Commission allocates DTV Channel 31 to Laredo, Texas, as requested herein, ECBL will promptly file the appropriate modification application to specify DTV operation on DTV Channel 31 at Laredo. In addition, ECBL will adhere to all applicable Commission standards for the construction and initiation of operation of its DTV facility.

Therefore, for the reasons set forth herein, ECBL respectfully requests that the Commission institute a rule making proceeding to amend Section 73.622(b) of the Commission's Rules to substitute DTV Channel 31 for DTV Channel 14 in the DTV Table of Allotments for use Station KVTV.

Respectfully submitted,

EAGLE CREEK BROADCASTING OF LAREDO, LLC

By: _____

Dennis P. Corbett
John D. Poutasse

Leventhal Senter & Lerman PLLC
2000 K Street, NW
Suite 600
Washington, DC 20006-1809
202-429-8970

May 20, 2003

Its Attorneys

TECHNICAL EXHIBIT
PREPARED IN SUPPORT OF
PETITION FOR RULE MAKING TO
MODIFY THE DTV ALLOTMENT TABLE
STATION KVTV-TV
LAREDO, TEXAS

Technical Summary

This technical narrative and associated exhibits have been prepared on behalf of KVTV-TV, Laredo, Texas, in support of a Petition for Rule Making to modify the DTV allotment of KVTV-TV from UHF channel 14 to UHF channel 31. The DTV channel change is proposed to eliminate adjacent channel interference problems with land mobile radio service (LMRS) users.

DTV channel 31 can be substituted and allotted to Laredo, Texas in compliance with the principle community coverage requirements of Section 73.625(a) at reference coordinates Latitude 27°31'12", Longitude 99°31'19".[1] In addition, operation on DTV channel 31 appears possible with an effective radiated power (ERP) of up to 200 kW utilizing a directional antenna and an antenna height above average terrain (HAAT) of 262 meters. The proposed channel 31 DTV allotment facilities are the same as for KVTV-DT's current construction permit (CP) operation on channel 14. The proposed channel change is acceptable under the 2 percent criterion for *de minimis* impact applicable to DTV allotment modifications under Section 73.623(c)(2). Therefore, it is proposed to modify KVTV-TV's authorization to specify operation on the alternate DTV channel with the following specifications:

[1] This is the current site of KVTV-TV's authorized NTSC on channel 13 and authorized DTV operation on channel 14.

State & City	DTV Channel	DTV ERP (kW)	Antenna HAAT(m)
TX, Laredo	31	200 (MAX-DA)	262

It is also proposed to amend the DTV Table of Allotments, Section 73.622(b) of the Commission's Rules, as follows:

	Channel No.	
City	Present	Proposed
Laredo, Texas	14	31

Station KTVT-TV proposes to allot UHF DTV channel 31 at Latitude 27°31'12", Longitude 99°31'19". It is proposed to operate with an antenna radiation center height above mean sea level (RCAMSL) of 407 meters, an antenna radiation center height above average terrain of (HAAT) of 262 meters and a directional antenna maximum ERP of 200 kW.

Figure 1 is a DTV channel 31 separation study toward other NTSC and DTV allotments based on a 161 kilometer "buffer". Although the separation requirements are only applicable to new DTV allotments, they can be used as an indication of which stations have the potential of receiving interference from the proposed channel 31 DTV operation.

Figure 2 shows the horizontal and vertical relative field patters for the proposed Andrew ATW30H3-HSC1-31H directional antenna.

Figure 3 provides a summary of interference and service for the proposed channel 31 allotment. Determination of interference and service was based on the procedures outlined in OET Bulletin No. 69 and

criteria contained in Sections 73.622 and 73.623 of the FCC's rules.[2] It is believed that the proposed channel 31 operation is in full compliance with the FCC's 2%/10% interference criteria. In accordance with the FCC Public Notice released August 10, 1998 and entitled "Additional Application Processing Guidelines for Digital Television (DTV)", it is respectfully requested that the Commission review the proposal using a 1 kilometer cell size.

Figure 4 is a map which depicts the 41 dBu, noise limited contour and the 48 dBu city grade contour for the proposed channel 31 DTV operation. Also shown are the city limits of Laredo based on 2000 Census data. As indicated, all of Laredo is located within the 41 dBu contour. Therefore, the proposed channel 31 DTV allotment will comply with the city coverage requirements contained in Section 73.625(a). In addition, Figure 4 shows the 41 dBu and 48 dBu contours for the authorized KVTV-DT channel 14 operation (ie, same contours).

Studies indicate that the proposed channel 31 operation will be involved in contour overlap with Class A station KNEZ-LP on channel 39 at Laredo, Texas. However based on OET Bulletin No. 69 interference studies it was determined that the proposed KVTV-DT facility will not cause prohibited interference to KNEZ-LP. As shown in Figure 3, the interference toward KNEZ-LP does not

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[2]The du Treil, Lundin & Rackley, Inc. DTV interference analysis program is based on the program and procedures outlined by the FCC in the Sixth Report and Order; subsequent Memorandum Opinion and Order; and FCC OET Bulletin No. 69. A nominal grid size resolution of 1 km was employed. An Unix based processor computer system was employed. The results have been found to be in very close agreement with the results of the FCC implementation of OET Bulletin No. 69.

exceed 0.5%. Thus a waiver with respect to KNEZ-LP is requested based on OET Bulletin No. 69.[3]

As the community of Laredo, Texas is located within 2 kilometers of the U.S.-Mexican border, concurrence by the Mexican government will likely be required for this proposal. Figure 1 is a separation study showing all pertinent domestic and Mexican NTSC and DTV allotments. As shown in Figure 1 all the Mexican NTSC and DTV allotments are located at distances greater than the minimum distance requirements set forth in the Memorandum of Understanding Between the U.S. and Mexico.

Conclusion

UHF DTV channel 31 can be substituted for the current UHF DTV channel 14 allotment of KVTV-TV in compliance with the FCC's rules concerning DTV allotment changes.

Jerome J. Manarchuck

Jerome J. Manarchuck

du Treil, Lundin & Rackley, Inc.
201 Fletcher Avenue
Sarasota, Florida 34237
(941) 3290-6000

April 3, 2003

[3] It is noted that the Commission has allowed for the use of OET-69 in similar situations. Specifically in MM Docket No. 00-138, RM-9896, the Commission permitted WPPB-TV to change its DTV channel from 44 to 40, even though the proposed channel 40 facility would be involved in contour overlap with Class A station WJAN-CA on channel 41 at Miami. Station WPPB-TV used OET-69 studies to show there was no prohibited interference caused to WJAN-CA.

CDBS TV/DTV SEPARATION STUDY

Job Title:
Channel: 31
Class:
Type: DT

Separation Buffer: 65 km
Coordinates: 27-31-12 99-31-19
Zone: III

Call Id	City St	Status	File Num	Channel Zone	ERP HAAT	DA Id	Latitude Longitude	Bear	Dist. (km)	Req. min	Req. max
	CIUDAD CAMA			24(Z)		N	26-19-01	152.8	150.2	24.0	95.0
97891	TA	C		III			098-49-55		55.23	Clear	
KLDO-T	LAREDO		BLCT	27(-)	3720.000	D	27-30-03	151.6	2.4	24.1	96.6
51479	TX	LIC C	19850124KT	III	67 17147		099-30-37		21.68	Clear	
	MONTERREY			31( )	0.000		25-37-36	200.9	225.0	223.0	223.0
	NL	MEX		III	0		100-19-15		1.99	Close	
KGBT-DT	HARLINGEN		BPCDT	31( )	1000.000	N	26-08-56	131.7	227.2	223.7	223.7
34457	TX	CP C	19991101AC	III	368 29069		097-49-18		3.55	Close	
KGBT-DT	HARLINGEN		BMPCD	31( )	1000.000	D	26-08-56	131.7	227.2	223.7	223.7
34457	TX	APP C	20020927AA	III	368 44581		097-49-18		3.55	Close	
DKGBTT	HARLINGEN			31( )	1000.000	D	26-08-55	131.7	227.3	223.7	223.7
	TX	DTV		III	396		097-49-17		3.59	Close	
K31EX	SAN ANTONIO		BLTTL	31(+)	38.400	D	29-26-30	24.6	235.0	0.0	0.0
60464	TX	LIC C	19980102JB		17950		098-30-28		9.62	Class A	
	SALTILLO			31( )	0.000		25-24-42	212.5	276.9	223.0	223.0
	CO	MEX		III	0		101-00-08		53.85	Clear	
KVHM-L	VICTORIA		BLTTL	31(N)	27.000	N	28-46-04	60.2	284.9	0.0	0.0
28078	TX	LIC C	19980616JF				096-59-12		40.26	Class A	
	VICTORIA			31(Z)		N	28-48-18	59.3	285.3	244.6	244.6
15195	TX	C		III			097-00-18		40.69	Clear	
960920	VICTORIA		BPCT	31(Z)	100.000	D	28-46-39	60.3	287.5	244.6	244.6
83743	TX	APP C	19960920YG	III	148 24120		096-57-43		42.90	Clear	
	SABINAS HID			32(Z)		N	26-29-59	209.6	130.3	10.0	88.0
98205	NL	C		II			100-10-09		42.30	Clear	
	NUEVO LARED			33(+)		N	27-29-48	140.5	3.4	24.0	32.0
98248	TA	C		II			099-30-01		20.64	Clear	
	NUEVO LARED			33( )			27-26-45	170.2	8.4	24.0	32.0
	TA	MEX		III			099-30-27		15.63	Close	
	SABINAS HID			38(Z)		N	26-29-59	209.6	130.3	24.0	95.0
98454	NL	C		II			100-10-09		35.30	Clear	
960809	LAREDO		BPET	39(Z)	219.000	D	27-31-14	5.1	0.1	24.1	96.6
83309	TX	APP C	19960809KI	III	220 17454		099-31-19		24.04	Clear	
KNEZ-L	LAREDO			39(Z)		N	27-30-22	139.0	2.0	24.1	96.6
11699	TX	C		III			099-30-30		22.06	Clear	

CDBS TV/DTV SEPARATION STUDY

Job Title:
Channel: 31
Class:
Type: DT

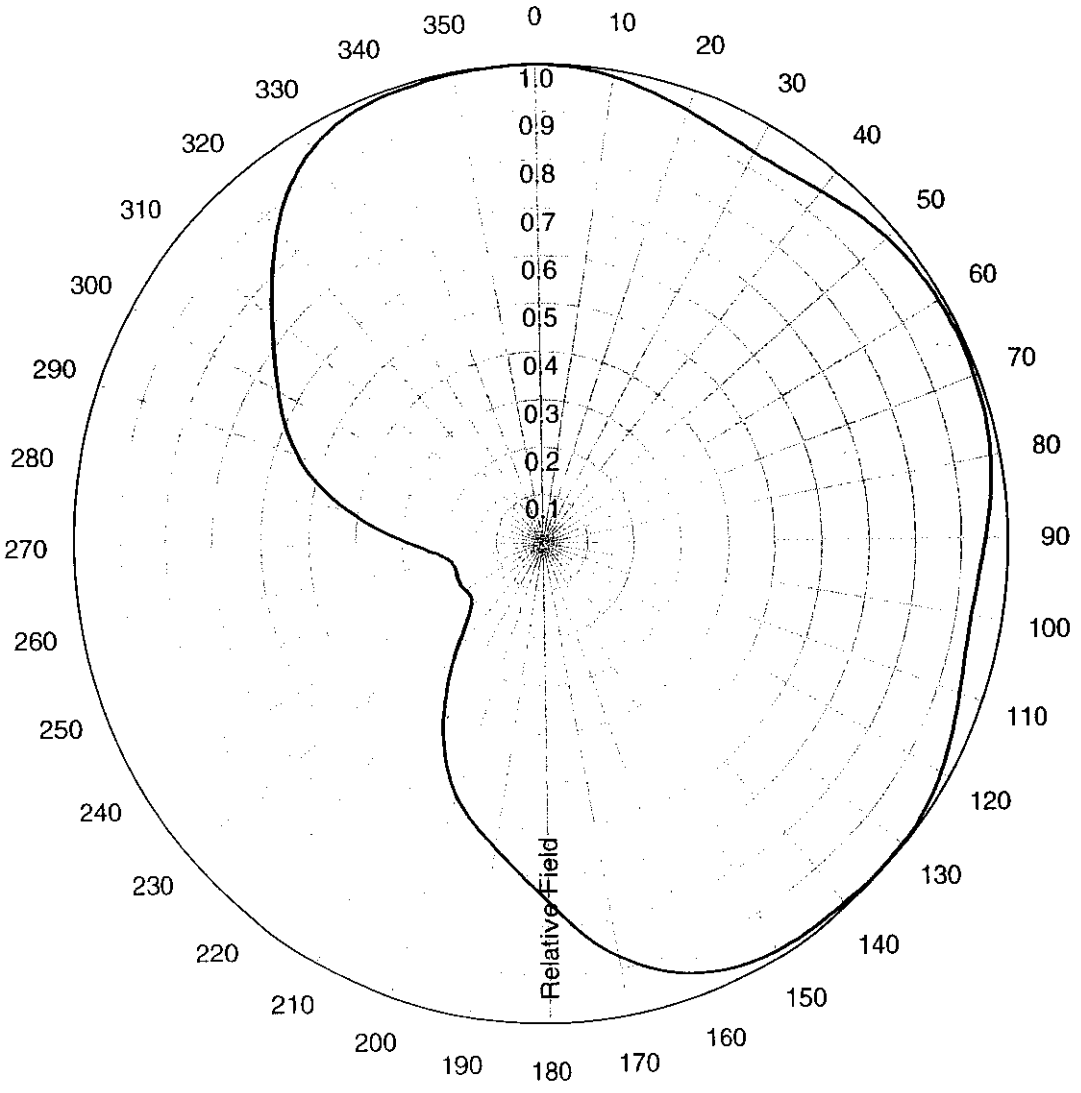
Separation Buffer: 65 km
Coordinates: 27-31-12 99-31-19
Zone: III

Call Id	City St	Status	File Num	Channel Zone	ERP HAAT	DA Id	Latitude Longitude	Bear	Dist. (km)	Req. min	Req. max
KNEZ-L	LAREDO		BLTTL	39(Z)	32.000	D	27-24-09	150.5	15.0	0.0	0.0
11699	TX	LIC C	19970710JG		22489		099-26-49		9.12	Class A	
960726	LAREDO		BPET	39(Z)	2950.000	D	27-24-09	150.5	15.0	24.1	96.6
83264	TX	APP C	19960726KK	III	212	24110	099-26-49		9.12	Close	
	NUEVO LARED			45( )			27-29-13	151.5	4.2	24.0	95.0
	TA MEX			III			099-30-06		19.82	Clear	
	NUEVO LARED			45(Z)		N	27-29-13	151.5	4.2	24.0	95.0
96874	TA	C		II			099-30-06		19.82	Clear	
	CD. ALLENDE			46( )			28-20-48	305.5	159.5	24.0	96.0
	CO MEX			III			100-50-55		63.46	Clear	

ANDREW.

AZIMUTH PATTERN

Type:	ATW-C1	
	Numeric	dBd
Directivity:	1.52	1.82
Peak(s) at:		
Polarization:	Horizontal	
Channel:	31	
Location:		
Note:		



ANDREW.
ANDREW CORPORATION
10500 W. 153rd Street
Orland Park, Illinois U.S.A 60462

ANDREW.

AZIMUTH PATTERN
FCC FILING FORMAT

Type: ATW-C1

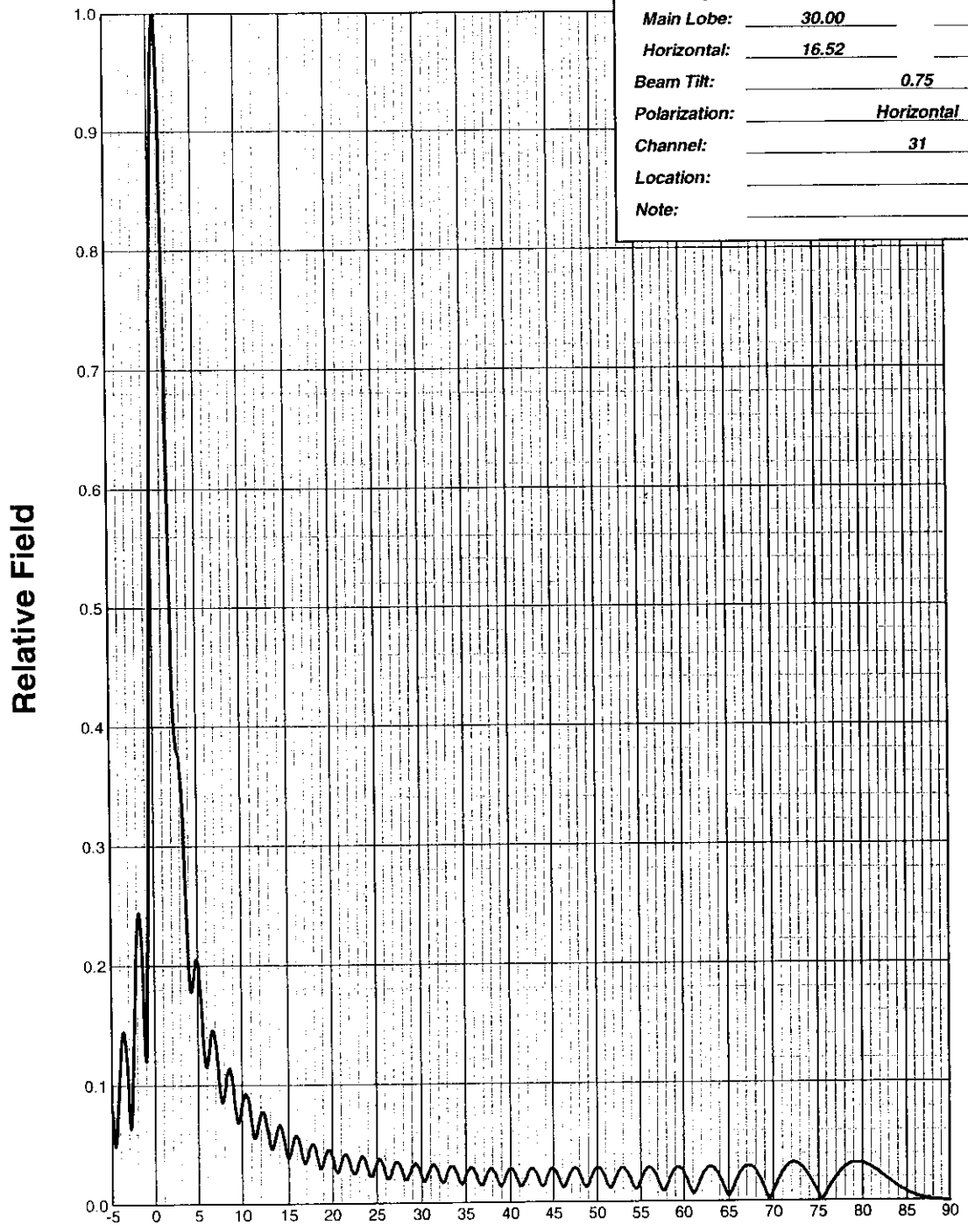
Polarization: Horizontal

Angle	Field	ERP (kW)	ERP (dBk)
0	1.000	200.000	23.010
10	0.986	194.439	22.888
20	0.956	182.787	22.619
30	0.935	174.845	22.427
40	0.948	179.741	22.546
50	0.976	190.515	22.799
60	0.990	196.020	22.923
70	0.990	196.020	22.923
80	0.979	191.688	22.826
90	0.951	180.880	22.574
100	0.932	173.725	22.399
110	0.947	179.362	22.537
120	0.978	191.297	22.817
130	0.994	197.607	22.958
140	0.990	196.020	22.923
150	0.982	192.865	22.853
160	0.955	182.405	22.610
170	0.871	151.728	21.811
180	0.750	112.500	20.512
190	0.647	83.722	19.228
200	0.559	62.496	17.959
210	0.438	38.369	15.840
220	0.292	17.053	12.318
230	0.202	8.161	9.117
240	0.192	7.373	8.676
250	0.195	7.605	8.811
260	0.202	8.161	9.117
270	0.279	15.568	11.922
280	0.423	35.786	15.537
290	0.553	61.162	17.865
300	0.645	83.205	19.201
310	0.743	110.410	20.430
320	0.864	149.299	21.741
330	0.956	182.787	22.619
340	0.990	196.020	22.923
350	0.997	198.802	22.984

ANDREW.

ELEVATION PATTERN

Type:	ATW30H3H	
Directivity:	Numeric	dBd
Main Lobe:	30.00	14.77
Horizontal:	16.52	12.18
Beam Tilt:	0.75	
Polarization:	Horizontal	
Channel:	31	
Location:		
Note:		



ANDREW.

ELEVATION TABULATED DATA

Type: ATW30H3H

Polarization: Horizontal

Angle	Field	dB	Angle	Field	dB	Angle	Field	dB	Angle	Field	dB
-5.00	0.084	-21.51	6.50	0.140	-17.08	42.00	0.026	-31.70	88.00	0.001	-60.00
-4.75	0.058	-24.66	6.75	0.145	-16.74	43.00	0.023	-32.77	89.00	0.001	-60.00
-4.50	0.052	-25.68	7.00	0.137	-17.27	44.00	0.018	-34.89	90.00	0.000	0.00
-4.25	0.082	-21.67	7.25	0.117	-18.60	45.00	0.028	-31.06			
-4.00	0.119	-18.49	7.50	0.096	-20.35	46.00	0.013	-37.72			
-3.75	0.142	-16.98	7.75	0.086	-21.31	47.00	0.026	-31.70			
-3.50	0.143	-16.89	8.00	0.092	-20.72	48.00	0.024	-32.40			
-3.25	0.119	-18.45	8.25	0.105	-19.53	49.00	0.015	-36.48			
-3.00	0.081	-21.83	8.50	0.113	-18.94	50.00	0.029	-30.75			
-2.75	0.069	-23.29	8.75	0.110	-19.17	51.00	0.019	-34.42			
-2.50	0.116	-18.71	9.00	0.097	-20.26	52.00	0.018	-34.89			
-2.25	0.180	-14.89	9.25	0.080	-21.94	53.00	0.029	-30.75			
-2.00	0.229	-12.80	9.50	0.069	-23.22	54.00	0.016	-35.92			
-1.75	0.244	-12.23	9.75	0.073	-22.73	55.00	0.018	-34.89			
-1.50	0.221	-13.11	10.00	0.084	-21.51	56.00	0.029	-30.75			
-1.25	0.161	-15.84	11.00	0.069	-23.22	57.00	0.018	-34.89			
-1.00	0.120	-18.42	12.00	0.076	-22.38	58.00	0.013	-37.72			
-0.75	0.217	-13.25	13.00	0.050	-26.02	59.00	0.028	-31.06			
-0.50	0.385	-8.29	14.00	0.067	-23.48	60.00	0.024	-32.40			
-0.25	0.570	-4.89	15.00	0.039	-28.18	61.00	0.008	-41.94			
0.00	0.742	-2.59	16.00	0.057	-24.88	62.00	0.021	-33.56			
0.25	0.879	-1.12	17.00	0.036	-28.87	63.00	0.030	-30.46			
0.50	0.970	-0.26	18.00	0.048	-26.38	64.00	0.021	-33.56			
0.75	1.000	0.00	19.00	0.035	-29.12	65.00	0.005	-46.02			
1.00	0.972	-0.25	20.00	0.040	-27.96	66.00	0.021	-33.56			
1.25	0.891	-1.01	21.00	0.035	-29.12	67.00	0.030	-30.46			
1.50	0.772	-2.25	22.00	0.033	-29.63	68.00	0.026	-31.70			
1.75	0.637	-3.91	23.00	0.035	-29.12	69.00	0.011	-39.17			
2.00	0.514	-5.78	24.00	0.029	-30.75	70.00	0.009	-40.92			
2.25	0.428	-7.36	25.00	0.034	-29.37	71.00	0.025	-32.04			
2.50	0.389	-8.20	26.00	0.026	-31.70	72.00	0.032	-29.90			
2.75	0.379	-8.43	27.00	0.033	-29.63	73.00	0.030	-30.46			
3.00	0.369	-8.66	28.00	0.024	-32.40	74.00	0.021	-33.56			
3.25	0.341	-9.36	29.00	0.031	-30.17	75.00	0.007	-43.10			
3.50	0.293	-10.66	30.00	0.023	-32.77	76.00	0.008	-41.94			
3.75	0.237	-12.51	31.00	0.030	-30.46	77.00	0.020	-33.98			
4.00	0.192	-14.33	32.00	0.023	-32.77	78.00	0.029	-30.75			
4.25	0.178	-14.97	33.00	0.027	-31.37	79.00	0.032	-29.90			
4.50	0.189	-14.47	34.00	0.024	-32.40	80.00	0.032	-29.90			
4.75	0.203	-13.85	35.00	0.023	-32.77	81.00	0.028	-31.06			
5.00	0.203	-13.85	36.00	0.026	-31.70	82.00	0.023	-32.77			
5.25	0.185	-14.66	37.00	0.018	-34.89	83.00	0.018	-34.89			
5.50	0.155	-16.19	38.00	0.028	-31.06	84.00	0.012	-38.42			
5.75	0.126	-18.03	39.00	0.015	-36.48	85.00	0.008	-41.94			
6.00	0.115	-18.79	40.00	0.029	-30.75	86.00	0.005	-46.02			
6.25	0.125	-18.06	41.00	0.016	-35.92	87.00	0.002	-53.98			

TECHNICAL EXHIBIT
PREPARED IN SUPPORT OF
PETITION FOR RULE MAKING TO
MODIFY THE DTV ALLOTMENT TABLE
LAREDO, TEXAS

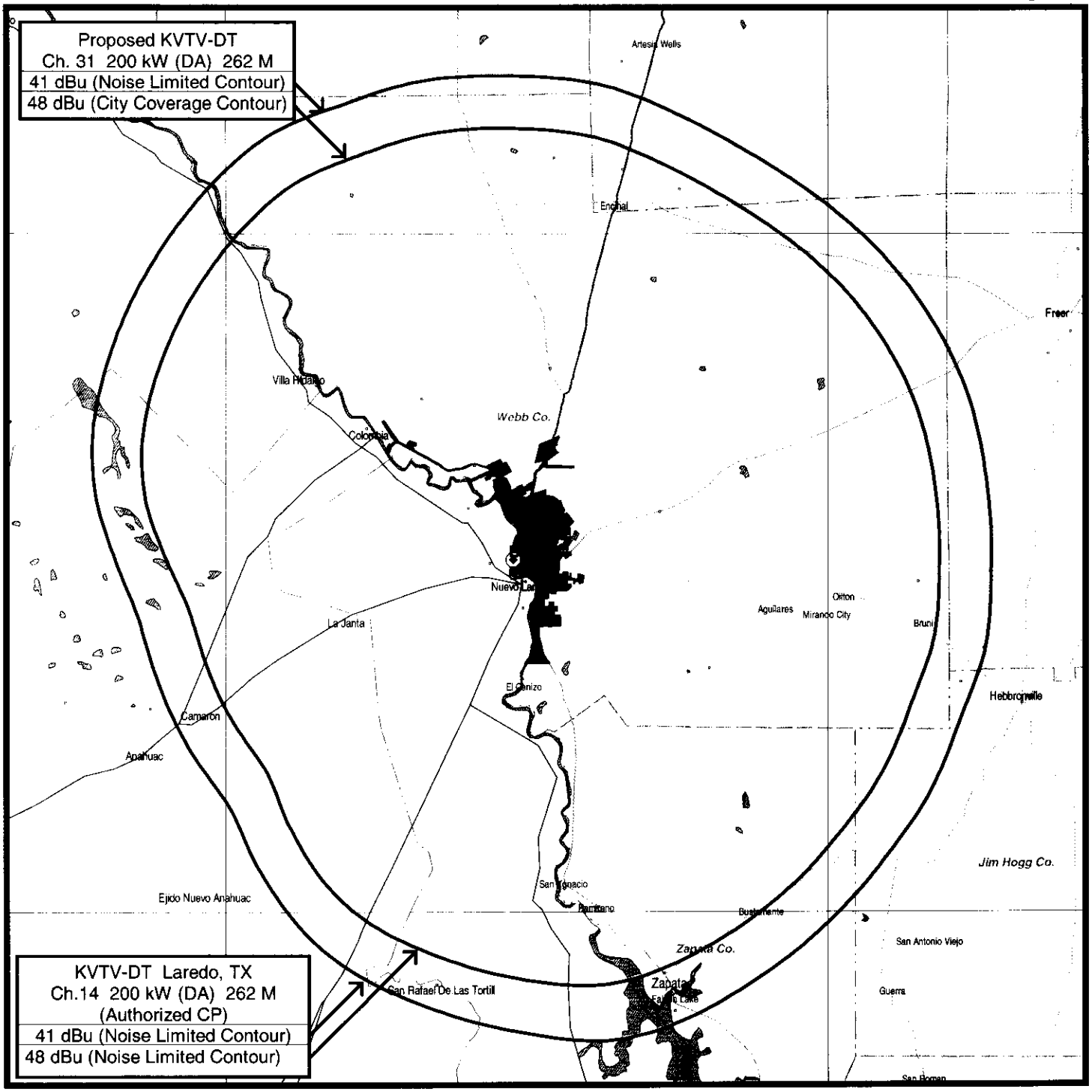
Interference and Service Summary

I. Interference Caused

Protected Station	FCC Service Population	Unique Interference Population
KLDO-TV, NTSC Ch. 27 Laredo, TX	No Interference Predicted	
KDAS-CA, Class A Ch. 31 Austin, TX	No Interference Predicted	
KHPG-CA, Class A Ch. 31 Giddings, TX	No Interference Predicted	
KGBT-DT, DTV Ch. 31 Harlingen, TX	686,667	3,053 (0.5%)
K31EX, Class A Ch. 31 San Antonio, TX	No Interference Predicted	
KVHM-LP, Class A Ch. 31 Victoria, TX	No Interference Predicted	
NEW, NTSC Ch. 31 (BPCT-19960920YG) Victoria, TX	No Interference Predicted	
KNEZ-LP, Class A Ch. 39 Laredo, TX	50,675	277 (0.5%)
NEW, NTSC Ch. 39 (BPET-19960809KI) Laredo, TX	No Interference Calculated	
NEW, NTSC Ch. 39 (BPET-19960726KK) Laredo, TX	No Interference Calculated	

II. Service

	Population within
Within Noise-Limited Contour	142,717
Not Affected by Terrain Losses	142,717
Lost to NTSC Interference	0
Lost to DTV Interference	1,926
Total Service	140,791



PREDICTED COVERAGE CONTOURS

STATION KVTV-DT
LAREDO, TEXAS
CH 31 200 KW 262 M

du Treil, Lundin & Rackley, Inc. Sarasota, Florida